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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/19/2001

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9415

7590

11/16/2006

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EXAMINER

BROWN, RUEBEN M

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/955,180	MIYAJIMA ET AL.	
	Examiner	Art Unit	
	Reuben M. Brown	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/25/06</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Pierre, (U.S. Pat # 7,000,245).

Considering claim 1, the claimed video distribution system that distributes video data to a user terminal that can connect to a network, comprising;

‘a distribution list generating device that generates a distribution list that defines a distribution order of the video data of the user terminal and includes a link name that links video data as a distribution request destination’, reads on the broadcast station 12, which Pierre teaches presents multimedia to viewers, col. 4, lines 34-64; col. 7, lines 50-53. The claimed ‘distribution order’ reads on the carousel of data objects, which are placed in order by the broadcast station, col. 7, lines 40-45. The claimed ‘link name that links video data’, reads on the identifier that identifies particular data objects in stream of data objects, such as objects 21-23, see col. 5, lines 41-67 thru col. 6, lines 1-30.

‘link list generating device that generates a link list that is a correspondence list between the link name and a video data file name corresponding to the link name’, also reads on the broadcast station 12 that creates a ‘file table or directory’ which shows the correspondence between the data objects and their file names used for storage in a mass storage device, MSD such as MSD 16, see Fig. 1 & Fig. 5; MSD 40, see Fig. 3; col. 5, lines 45-54; col. 6, lines 30-67; col. 7, lines 40-67 thru col. 8, lines 1-39.

‘link list updating device that updates the video data file name corresponding to the link name in the instant link list to another video data file name depending on distribution condition, wherein the video data is distributed based on the link list’, the broadcasting station 12 also updates the data stored in files, which need to have current data, see col. 8, lines 1-20. In particular, Pierre teaches that in some instances, instead of storing live data, and indication of

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data is stored, so that when need, the new live data corresponding to the reference is obtained and used in place of the original live data, thereby updating the program when it is played.

Considering claims 2 & 9, 'wherein, in the case in which the video data is associated with distribution condition information that includes as the distribution condition information at least one of, 'time and duration information', 'area information that designates the distribution area', 'cumulative distribution number information that limits the cumulative number of distributions' and 'attribute information about the user', is met by the discussion of Pierre that if video data is stored in a mass storage device, then at the presentation time, the system which retrieve the appropriate video data file, from the appropriate storage location, see col. 6, lines 30-50 & col. 7, lines 65-67 thru col. 8, lines 1-20.

Considering claims 3-4, the claimed subject matter reads on the discussion in Pierre that, 'in effect the system coverts the pushed data transmitted by the broadcast station to pulled data (i.e., data that can be retrieved at the request of the user).

Considering claim 5, the claimed 'video data selecting device that refers to the video data that is scheduled for distribution and selects video data to be distributed thereafter', reads on the operation of the broadcast station 12, which generates a carousel of data based on a particular sequence, see Fig. 2 & col. 5, lines 41-65 thru col. 6, lines 8-50.

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Considering claim 6, the claimed, 'updating device updating the video data file by referring to the priority order list that determines priority order in the distribution of the video data', is met by the operation of the broadcast station 12, which places data objects in the broadcast stream based on particular properties, i.e., priorities, see col. 6, lines 1-55.

Considering claims 7-8 & 10, the claimed video distribution system that distributes video data user terminal comprises features that correspond with subject matter mentioned above in the rejection of claim 1 and is likewise treated.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre.

Considering claims 11 & 13, the claimed computer-readable medium encoded with a computer program that comprise that which correspond with subject matter mentioned above in the rejection of claims 1 & 7-8, and are likewise treated. Furthermore, the broadcast station 12 transmits data objects but does not explicitly disclose a computer readable medium. Official Notice is taken that at the time the invention was made, the use of computers and computer

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readable medium in a broadcast station was old in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Pierre with the well-known feature of a computer and computer readable medium at the broadcast station, at least for the desirable benefit of efficiently managing the instant station.

Considering claim 12, 'wherein, in the case in which the video data is associated with distribution condition information that includes as the distribution condition information at least one of, 'time and duration information', 'area information that designates the distribution area', 'cumulative distribution number information that limits the cumulative number of distributions' and 'attribute information about the user', is met by the discussion of Pierre that if video data is stored in a mass storage device, then at the presentation time, the system which retrieve the appropriate video data file, from the appropriate storage location, see col. 6, lines 30-50 & col. 7, lines 65-67 thru col. 8, lines 1-20.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A) Huang            Maintains an up-to-date link information for metadata.
- B) Fogg            Re-links web data with messages.
- C) Carr            Announcement data associated with video data.

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**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**


(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

  
**REUBEN M. BROWN**  
**PATENT EXAMINER**